THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.4926 OF 1998

DATED: 06-3-2007

Between :

Godavari Plywoods Limited, having its registered Office at 6-3-1186/11, Greenlands Road, Begumpet, Hyderabad, rep. By its Chairman & Managing Director Sri N. Venkaiya .. Petitioner

And

1. The Government of Andhra Pradesh., rep. By the Secretary, Environment, Forest, Science and Technology Department, Secretariat Buildings, Hyderabad., and 2 others. . Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.4926 OF 1998

ORDER :

This writ petition is filed seeking a Mandamus directing the 3rd respondent - Central Chief Conservator of Forests, Bangalore to approve the working plan of East Godavari District for plywood working circle prepared and submitted by the Respondent No.2 for supply of timber to the petitioner company under the relevant working plan for a period of 6 years as per G.O.Ms.No.66, dated 24-4-1996.

The petitioner company has established a factory for manufacturing commercial and decorative plywood and etc at Rampachodavaram Village, East Godavari District, pursuant to the assurance given by the State Government vide G.O.Ms.No.1722, Food & Agriculture (For.III) Department, dated 11-12-1972 assuring supplies of timber. As a matter of fact, it was set up as a joint venture with A.P.I.D.C. by availing loan from the National Financial Institutions. It is not in dispute that supplies were accordingly made and the petitioner company successfully did its business upto the year 1987. While so, from July, 1987 the respondents 1 and 2 stopped the supplies of timber. Consequently the petitioner company had become sick and on a reference made under the provisions of Sick Industrial Companies (Special Provisions) Act, 1985 (for short, SICA Act) it was registered as a sick industrial company under Section 3 (1) (o) of the SICA Act. Subsequently, BIFR having found that the continuation of the activity of the petitioner company would not be viable unless the State Government agreed to supply adequate quantities of soft-wood

at reasonable prices informed the same to the Government and basing on the assurance made by the Government of A.P., a rehabilitation package was sanctioned on 6-1-1995. Thereafter, the Government of A.P. through the Secretary, Environment, Forests, Science & Technology (For.III) Department issued G.O.Ms.No.66, dated 24-4-1996 for supply of timber for a period of six years and fixed royalty rates.

However, supplies were not made by the respondents 1 and 2 on the ground that in view of the order of the Supreme Court dated 12-12-1996 in a matter relating to protection and conservation of the forests in the country, without approval of the working plan by the Central Government, the State Governments shall not permit the felling of trees in the forest area. The petitioner alleged that though the working plan of East Godavari District was prepared by the Department in the year 1990, the same was not approved by the 3rd respondent as required by judgment of the Supreme Court. Hence, this writ petition.

A counter-affidavit has been filed on behalf of the respondents 1 and 2 in which the fact that the Forest Department could not make supplies of raw material to the petitioner company in the absence of approval of working plan by the 3rd respondent has not been denied.

In the counter-affidavit filed on behalf of the 3rd respondent, it is stated that though the working plan was submitted by the State Government for the period of 1991-92 to 2000-2001, it was found that the said working plan would not be in the interest of scientific management of the forest and therefore the same was not approved by the 3rd respondent.

However, when the matter is taken up for consideration, it is brought to my notice by the learned Standing Counsel appearing for the 3rd respondent that during pendency of this writ petition, by letter dated 9-9-2002 the 3rd respondent had approved the working plan of

Kakinada Forest Division submitted by the 2nd respondent subject to the conditions specified thereunder. The said fact has not been disputed by the learned Government Pleader for Forests appearing for the respondents 1 and 2.

Having regard to the fact that as on today the working plan has already been approved by the 3rd respondent, the respondents 1 and 2 are bound to implement the assurance given by them under G.O.Ms.No.66, dated 24-4-1996.

Accordingly, the Writ Petition is disposed of with a direction to the respondents 1 and 2 to supply the timber to the petitioner company in accordance with the working plan approved by the 3rd respondent as well as the terms and conditions of G.O.Ms.No.66, dated 24-4-1996. No costs.

_____

G. ROHINI, J.

Dt. 06-03-2007

gbs